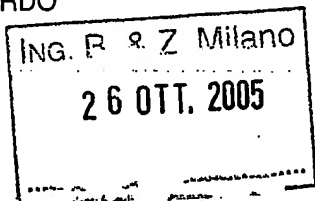


PCT

To:

DE GREGORI, Antonella et al.  
ING.BARZANO' & ZARNARDO  
MILANO S.P.A.  
Via Borgonuovo, 10  
20121 Milano  
ITALIE



NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT

(PCT Rule 71.1)

Date of mailing  
(day/month/year)

21.10.2005

Applicant's or agent's file reference  
Cal 87075

**IMPORTANT NOTIFICATION**

International application No.  
PCT/IT 03/00738

International filing date (day/month/year)  
14.11.2003

Priority date (day/month/year)  
25.07.2003

Applicant  
BCS S.P.A. et al.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

**4. REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the international  
preliminary examining authority:



European Patent Office  
D-80298 Munich  
Tel. +49 89 2399 - 0 Tx: 523656 epmu d  
Fax: +49 89 2399 - 4465

Authorized Officer

Gamboa Susin, B

Tel. +49 89 2399-6086





# PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT Article 36 and Rule 70)

Applicant's or agent's file reference Cal 87075	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/IT 03/00738	International filing date (day/month/year) 14.11.2003	Priority date (day/month/year) 25.07.2003
International Patent Classification (IPC) or both national classification and IPC A01D34/00		
Applicant BCS S.P.A. et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.  
  
☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).  
  
These annexes consist of a total of 2 sheets.

3. This report contains indications relating to the following items:  
  
I ☒ Basis of the opinion  
II ☐ Priority  
III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability  
IV ☐ Lack of unity of invention  
V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement  
VI ☐ Certain documents cited  
VII ☐ Certain defects in the international application  
VIII ☐ Certain observations on the international application

Date of submission of the demand  03.08.2004	Date of completion of this report  21.10.2005
Name and mailing address of the international preliminary examining authority:   European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer  Bunn, D  Telephone No. +49 89 2399-2086  

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. **PCT/IT 03/00738**

**I. Basis of the report**

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

**Description, Pages**

1-15 as originally filed

**Claims, Numbers**

4(part), 5-14 as originally filed  
1-3, 4(part) received on 29.07.2005 with letter of 27.07.2005

**Drawings, Sheets**

1/3-3/3 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).  
☐ the language of publication of the international application (under Rule 48.3(b)).  
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority in written form.  
☐ furnished subsequently to this Authority in computer readable form.  
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.  
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:  
☐ the claims, Nos.:  
☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. **PCT/IT 03/00738**

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	1-14
	No: Claims	
Inventive step (IS)	Yes: Claims	6-8,13
	No: Claims	1-5,9-12,14
Industrial applicability (IA)	Yes: Claims	1-14
	No: Claims	

2. Citations and explanations

**see separate sheet**

**V. Reasoned statement**

1. Concerning the subject matter newly-introduced into claim 1:
  - i) The feature whereby the cutting assemblies have horizontal axes (I.7) is clearly derivable from the drawings;
  - ii) The feature wherein the blades have "the cutting edge of the blade parallel to the rotation axis" (I.8) is derivable from page 3, lines 12-14, and serves to render the terminology "spoon-like" understandable;
  - iii) The text of page 16a is not derivable from the application as originally filed; while there is a basis for the feature whereby shredding takes place at a location defined by the deflecting element and the two cutting assemblies, and that the action of said cutting assemblies is concurrent, this location is consistently referred to as a shredding *chamber*, there being no support for the broader terminology shredding *area*. (see claim 5; p.8, I.9-10; p.10, I.24 - p.11, I.1; p.12, I.6-8). It follows that amendment iii) filed with the letter of 27/07/05 introduces subject-matter which extends beyond the content of the application as filed, contrary to Article 34(2)(b) PCT.
2. US-A-3 899 866 (D1) discloses (see, in particular, col.2, I.57 - col.3, I.3; col.5, I.38-49; figs.1-4) a machine 10 comprising a protection element 12, wheels 18, cutting assembly 22 with lawn mower blades, cutting assembly 24 with shredding type blades and a deflecting element 102 protruding toward the inside of the protection element, as in lines 1-16 of claim 1. As said element 102 of D1 extends downwardly to such an extent that the upper portions of both cutting assemblies are enclosed (col.5, I.38-49 & fig.4), it is apparent that the deflecting element and two cutting assemblies cannot together define a shredding area as specified in claim 1. It follows that the subject matter of this claim meets the requirements of novelty, Article 33(2) PCT, with regard to D1. Moreover, as the shredding action of D1 takes place between assembly 24 and bed 26 (col.6, I.2-7), there would be no reason to modify the structure of said element 102 so as alter the shredding location. The subject matter of claim 1 thus also involves an inventive step, Article 33(3) PCT, with regard to D1.
3. US-A-5 070 683 (D2), DE-A-23 20 126 & FR-A-2 771 894 each disclose arrangements wherein one cutting assembly has a vertical axis and the other a

horizontal axis, and so are less relevant to the claimed machine, wherein each cutting assembly has a horizontal axis.

4. However, GB-A-2 260 683 (D3) discloses a machine comprising a protection element 4, roller 9, cutting assembly 5 with blades 11 having their cutting edge parallel to the rotation axis [cf. fig.3], cutting assembly 6 with shredding type blades 12 and a deflecting element [not labelled but clearly visible in fig.2], from which the machine of claim 1 differs in comprising a *plurality* of rollers, rather than a *single* roller. However, a minor difference of this sort is considered to involve an inventive activity, such that the subject matter of claim 1 fails to meet the requirements of Article 33(3) PCT. While there is no specific indication in D3 that the deflecting element defines together with the two cutting assemblies a shredding area, this feature is nevertheless apparent from figure 2. Concerning the further feature of claim 1 whereby the action of said cutting assemblies is concurrent, it is further apparent from the relative positions of the deflecting element and two cutting assemblies that grass cut by assembly 5 will be deflected by said element into said defined area, and that the grass will then be subjected to the concurrent action of said assemblies.
5. Concerning the additional subject matter of the dependent claims:
  - claims 2 & 14 merely relate to the *use* of the machine, for which uses the machine of D3 would also be suitable;
  - claims 3-5,9-12 are known from D3;
  - claims 6-8 & 13 are not derivable from the available prior art (while a movable element is known from D2, in view of the different arrangement - see above, point V.3
  - there would be no reason to apply such an element to the machine of D3).The subject-matter of claims 2-5, 9-12 & 14 thus fails to involve an inventive step, Article 33(3) PCT.
6. The embodiment of the invention described on page 13, lines 11-19 and shown in figure 4 does not fall within the scope of the claims, which - as noted above - require that the deflecting element defines together with the cutting assemblies a shredding area. This inconsistency between the claims and description leads to doubt concerning the matter for which protection is sought, thereby rendering the claims unclear, Article 6 PCT.

10/565337

JAP15 Rec'd PCT/PTO 19 JAN 2006

## CLAIMS

1. A machine for cutting and tritürating grass and other vegetable products, comprising a protection element  
5 (30), equipped with wheels, rollers or slides (35) and containing at least one pair of cutting assemblies (15, with horizontal axis, 16) wherein one cutting assembly (15) comprises blades having the cutting edge of the blade parallel to the rotation axis, of the lawn mower type or of the spoon-like type (21) and one cutting assembly (16) comprises shredding type  
10 blades (22), and a deflecting element (25, 125, 25') being placed between the two cutting assemblies (15, 16) which causes the detachment of portions of the cut vegetable products from an inner wall of the protection element (30) and delivers them over the cutting assemblies  
15 (15, 16), said deflecting element (25, 125, 25') protruding toward the inside of the protection element (30) <sup>page</sup> ~~insert 16a~~ >
2. Machine according to claim 1, characterized by the fact of being a lawnmower.
3. Machine according to claims 1 or 2, characterized  
20 by the fact that said deflecting element (25, 125) is connected peripherally at least partially to the blades of both the two cutting assemblies (15, 16).
4. Machine according to claims 1 or 2, characterized by the fact that said deflecting element (25) is of the  
25 wedge type, is fixed to said protection element (30) and

<and defining together with said two cutting assemblies  
(15, 16) a shredding area of concurrent action of said two  
cutting assemblies (15, 16).>



# PCT

## REQUEST

The undersigned requests that the present international application be processed according to the Patent Cooperation Treaty.

For receiving Office use only

International Application No.

International Filing Date

Name of receiving Office and "PCT International Application"

Applicant's or agent's file reference  
(if desired) (12 characters maximum) Cal 87075

**Box No. I TITLE OF INVENTION** Machine for cutting and triturating grass and other vegetable products

**Box No. II APPLICANT** ☐ This person is also inventor

Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)

BCS S.p.A.  
Viale Mazzini 161  
I- 20081 ABBIEATEGRASSO - MILAN  
Italy

Telephone No.

Facsimile No.

Teleprinter No.

Applicant's registration No. with the Office

State (that is, country) of nationality:

IT

State (that is, country) of residence:

IT

This person is applicant for the purposes of:

☐ all designated States

☒ all designated States except the United States of America

☐ the United States of America only

☐ the States indicated in the Supplemental Box

**Box No. III FURTHER APPLICANT(S) AND/OR (FURTHER) INVENTOR(S)**

Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)

CASTOLDI Fabrizio  
Via A. Da Giussano 12  
I- 20145 MILAN  
Italy

This person is:

☐ applicant only

☒ applicant and inventor

☐ inventor only (If this check-box is marked, do not fill in below.)

Applicant's registration No. with the Office

State (that is, country) of nationality:

IT

State (that is, country) of residence:

IT

This person is applicant for the purposes of:

☐ all designated States

☐ all designated States except the United States of America

☒ the United States of America only

☐ the States indicated in the Supplemental Box

☐ Further applicants and/or (further) inventors are indicated on a continuation sheet.

**Box No. IV AGENT OR COMMON REPRESENTATIVE; OR ADDRESS FOR CORRESPONDENCE**

The person identified below is hereby/has been appointed to act on behalf of the applicant(s) before the competent International Authorities as:

☒ agent

☐ common representative

Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)

DE GREGORI Antonella COPPO Alessandro  
ZANARDO Giovanni FUSINA Gerolamo  
ING. BARZANO' & ZANARDO MILANO S.p.A.  
Via Borgonuovo 10  
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Telephone No.

+3902626131

Facsimile No.

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Teleprinter No.

Agent's registration No. with the Office

☐ Address for correspondence: Mark this check-box where no agent or common representative is/has been appointed and the space above is used instead to indicate a special address to which correspondence should be sent.

## Box No. V DESIGNATION OF STATES

Mark the applicable check-boxes below; at least one must be marked.

The following designations are hereby made under Rule 4.9(a):

## Regional Patent

- ☒ AP ARIPO Patent: GH Ghana, GM Gambia, KE Kenya, LS Lesotho, MW Malawi, MZ Mozambique, SD Sudan, SL Sierra Leone, SZ Swaziland, TZ United Republic of Tanzania, UG Uganda, ZM Zambia, ZW Zimbabwe, and any other State which is a Contracting State of the Harare Protocol and of the PCT (if other kind of protection or treatment desired, specify on dotted line) . . . . .
- ☒ EA Eurasian Patent: AM Armenia, AZ Azerbaijan, BY Belarus, KG Kyrgyzstan, KZ Kazakhstan, MD Republic of Moldova, RU Russian Federation, TJ Tajikistan, TM Turkmenistan, and any other State which is a Contracting State of the Eurasian Patent Convention and of the PCT
- ☒ EP European Patent: AT Austria, BE Belgium, BG Bulgaria, CH & LI Switzerland and Liechtenstein, CY Cyprus, CZ Czech Republic, DE Germany, DK Denmark, EE Estonia, ES Spain, FI Finland, FR France, GB United Kingdom, GR Greece, HU Hungary, IE Ireland, IT Italy, LU Luxembourg, MC Monaco, NL Netherlands, PT Portugal, RO Romania, SE Sweden, SI Slovenia, SK Slovakia, TR Turkey, and any other State which is a Contracting State of the European Patent Convention and of the PCT
- ☒ OA OAPI Patent: BF Burkina Faso, BJ Benin, CF Central African Republic, CG Congo, CI Côte d'Ivoire, CM Cameroon, GA Gabon, GN Guinea, GQ Equatorial Guinea, GW Guinea-Bissau, ML Mali, MR Mauritania, NE Niger, SN Senegal, TD Chad, TG Togo, and any other State which is a member State of OAPI and a Contracting State of the PCT (if other kind of protection or treatment desired, specify on dotted line) . . . . .

## National Patent (if other kind of protection or treatment desired, specify on dotted line):

- |   |  |   |
|---|--|---|
| <input checked="" type="checkbox"/> AE United Arab Emirates               | <input checked="" type="checkbox"/> HR Croatia                                   | <input checked="" type="checkbox"/> OM Oman                             |
| <input checked="" type="checkbox"/> AG Antigua and Barbuda                | <input checked="" type="checkbox"/> HU Hungary                                   | <input checked="" type="checkbox"/> PG Papua New Guinea                 |
| <input checked="" type="checkbox"/> AL Albania                            | <input checked="" type="checkbox"/> ID Indonesia                                 | <input checked="" type="checkbox"/> PH Philippines                      |
| <input checked="" type="checkbox"/> AM Armenia                            | <input checked="" type="checkbox"/> IL Israel                                    | <input checked="" type="checkbox"/> PL Poland                           |
| <input checked="" type="checkbox"/> AT Austria                            | <input checked="" type="checkbox"/> IN India                                     | <input checked="" type="checkbox"/> PT Portugal                         |
| <input checked="" type="checkbox"/> AU Australia                          | <input checked="" type="checkbox"/> IS Iceland                                   | <input checked="" type="checkbox"/> RO Romania                          |
| <input checked="" type="checkbox"/> AZ Azerbaijan                         | <input checked="" type="checkbox"/> JP Japan                                     | <input checked="" type="checkbox"/> RU Russian Federation               |
| <input checked="" type="checkbox"/> BA Bosnia and Herzegovina             | <input checked="" type="checkbox"/> KE Kenya                                     |   |
| <input checked="" type="checkbox"/> BB Barbados                           | <input checked="" type="checkbox"/> KG Kyrgyzstan                                | <input checked="" type="checkbox"/> SC Seychelles                       |
| <input checked="" type="checkbox"/> BG Bulgaria                           | <input checked="" type="checkbox"/> KP Democratic People's Republic of Korea     | <input checked="" type="checkbox"/> SD Sudan                            |
| <input checked="" type="checkbox"/> BR Brazil                             | <input checked="" type="checkbox"/> KR Republic of Korea                         | <input checked="" type="checkbox"/> SE Sweden                           |
| <input checked="" type="checkbox"/> BY Belarus                            | <input checked="" type="checkbox"/> KZ Kazakhstan                                | <input checked="" type="checkbox"/> SG Singapore                        |
| <input checked="" type="checkbox"/> BZ Belize                             | <input checked="" type="checkbox"/> LC Saint Lucia                               | <input checked="" type="checkbox"/> SK Slovakia                         |
| <input checked="" type="checkbox"/> CA Canada                             | <input checked="" type="checkbox"/> LK Sri Lanka                                 | <input checked="" type="checkbox"/> SL Sierra Leone                     |
| <input checked="" type="checkbox"/> CH & LI Switzerland and Liechtenstein | <input checked="" type="checkbox"/> LR Liberia                                   | <input checked="" type="checkbox"/> SY Syrian Arab Republic             |
| <input checked="" type="checkbox"/> CN China                              | <input checked="" type="checkbox"/> LS Lesotho                                   | <input checked="" type="checkbox"/> TJ Tajikistan                       |
| <input checked="" type="checkbox"/> CO Colombia                           | <input checked="" type="checkbox"/> LT Lithuania                                 | <input checked="" type="checkbox"/> TM Turkmenistan                     |
| <input checked="" type="checkbox"/> CR Costa Rica                         | <input checked="" type="checkbox"/> LU Luxembourg                                | <input checked="" type="checkbox"/> TN Tunisia                          |
| <input checked="" type="checkbox"/> CU Cuba                               | <input checked="" type="checkbox"/> LV Latvia                                    | <input checked="" type="checkbox"/> TR Turkey                           |
| <input checked="" type="checkbox"/> CZ Czech Republic                     | <input checked="" type="checkbox"/> MA Morocco                                   | <input checked="" type="checkbox"/> TT Trinidad and Tobago              |
| <input checked="" type="checkbox"/> DE Germany                            | <input checked="" type="checkbox"/> MD Republic of Moldova                       |   |
| <input checked="" type="checkbox"/> DK Denmark                            | <input checked="" type="checkbox"/> MG Madagascar                                | <input checked="" type="checkbox"/> TZ United Republic of Tanzania      |
| <input checked="" type="checkbox"/> DM Dominica                           | <input checked="" type="checkbox"/> MK The former Yugoslav Republic of Macedonia | <input checked="" type="checkbox"/> UA Ukraine                          |
| <input checked="" type="checkbox"/> DZ Algeria                            | <input checked="" type="checkbox"/> MN Mongolia                                  | <input checked="" type="checkbox"/> UG Uganda                           |
| <input checked="" type="checkbox"/> EC Ecuador                            | <input checked="" type="checkbox"/> MW Malawi                                    | <input checked="" type="checkbox"/> US United States of America         |
| <input checked="" type="checkbox"/> EE Estonia                            | <input checked="" type="checkbox"/> MX Mexico                                    |   |
| <input checked="" type="checkbox"/> ES Spain                              | <input checked="" type="checkbox"/> MZ Mozambique                                | <input checked="" type="checkbox"/> UZ Uzbekistan                       |
| <input checked="" type="checkbox"/> FI Finland                            | <input checked="" type="checkbox"/> NI Nicaragua                                 | <input checked="" type="checkbox"/> VC Saint Vincent and the Grenadines |
| <input checked="" type="checkbox"/> GB United Kingdom                     | <input checked="" type="checkbox"/> NO Norway                                    | <input checked="" type="checkbox"/> VN Viet Nam                         |
| <input checked="" type="checkbox"/> GD Grenada                            | <input checked="" type="checkbox"/> NZ New Zealand                               | <input checked="" type="checkbox"/> YU Serbia and Montenegro            |
| <input checked="" type="checkbox"/> GE Georgia                            |  | <input checked="" type="checkbox"/> ZA South Africa                     |
| <input checked="" type="checkbox"/> GH Ghana                              |  | <input checked="" type="checkbox"/> ZM Zambia                           |
| <input checked="" type="checkbox"/> GM Gambia                             |  | <input checked="" type="checkbox"/> ZW Zimbabwe                         |

Check-boxes below reserved for designating States which have become party to the PCT after issuance of this sheet:

☒ EGYPT

**Precautionary Designation Statement:** In addition to the designations made above, the applicant also makes under Rule 4.9(b) all other designations which would be permitted under the PCT except any designation(s) indicated in the Supplemental Box as being excluded from the scope of this statement. The applicant declares that those additional designations are subject to confirmation and that any designation which is not confirmed before the expiration of 15 months from the priority date is to be regarded as withdrawn by the applicant at the expiration of that time limit. (Confirmation (including fees) must reach the receiving Office within the 15-month time limit.)

**Box No. VI PRIORITY CLAIM**

The priority of the following earlier application(s) is hereby claimed:

Filing date of earlier application (day/month/year)	Number of earlier application	Where earlier application is:		
		national application: country or Member of WTO	regional application:* regional Office	international application: receiving Office
item (1) 25/07/03 25 JULY 2003	MI2003A001537	IT		
item (2) 20/10/03 20 OCTOBER 2003	MI2003A002030	IT		
item (3)				
item (4)				
item (5)				

☐ Further priority claims are indicated in the Supplemental Box.

The receiving Office is requested to prepare and transmit to the International Bureau a certified copy of the earlier application(s) (only if the earlier application was filed with the Office which for the purposes of this international application is the receiving Office) identified above as:

☐ all items   
 ☒ item (1)   
 ☒ item (2)   
 ☐ item (3)   
 ☐ item (4)   
 ☐ item (5)   
 ☐ other, see Supplemental Box

\* Where the earlier application is an ARIPO application, indicate at least one country party to the Paris Convention for the Protection of Industrial Property or one Member of the World Trade Organization for which that earlier application was filed (Rule 4.10(b)(ii)): . . . .

**Box No. VII INTERNATIONAL SEARCHING AUTHORITY**

Choice of International Searching Authority (ISA) (if two or more International Searching Authorities are competent to carry out the international search, indicate the Authority chosen; the two-letter code may be used):

ISA / EP

Request to use results of earlier search; reference to that search (if an earlier search has been carried out by or requested from the International Searching Authority):

Date (day/month/year)

Number

Country (or regional Office)

**Box No. VIII DECLARATIONS**

The following declarations are contained in Boxes Nos. VIII (i) to (v) (mark the applicable check-boxes below and indicate in the right column the number of each type of declaration):

Number of  
declarations

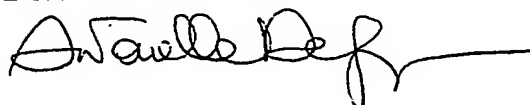
- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Box No. VIII (i)   | Declaration as to the identity of the inventor   | : |
| <input type="checkbox"/> Box No. VIII (ii)  | Declaration as to the applicant's entitlement, as at the international filing date, to apply for and be granted a patent             | : |
| <input type="checkbox"/> Box No. VIII (iii) | Declaration as to the applicant's entitlement, as at the international filing date, to claim the priority of the earlier application | : |
| <input type="checkbox"/> Box No. VIII (iv)  | Declaration of inventorship (only for the purposes of the designation of the United States of America)                               | : |
| <input type="checkbox"/> Box No. VIII (v)   | Declaration as to non-prejudicial disclosures or exceptions to lack of novelty   | : |

**Box No. IX CHECK LIST; LANGUAGE OF FILING**

This international application contains:	This international application is accompanied by the following item(s) (mark the applicable check-boxes below and indicate in right column the number of each item):	Number of items
<b>(a) in paper form, the following number of sheets:</b> request (including declaration sheets) : 4 description (excluding sequence listings and/or tables related thereto) : 16 claims : 4 abstract : 1 drawings : 3 <b>Sub-total number of sheets :</b> 28 sequence listings : tables related thereto : <i>(for both, actual number of sheets if filed in paper form, whether or not also filed in computer readable form; see (c) below)</i> <b>Total number of sheets :</b> 28	1. <input checked="" type="checkbox"/> fee calculation sheet : 2. <input type="checkbox"/> original separate power of attorney : 3. <input type="checkbox"/> original general power of attorney : 4. <input type="checkbox"/> copy of general power of attorney; reference number, if any: : 5. <input type="checkbox"/> statement explaining lack of signature : 6. <input type="checkbox"/> priority document(s) identified in Box No. VI as item(s): : 7. <input type="checkbox"/> translation of international application into (language): : 8. <input type="checkbox"/> separate indications concerning deposited microorganism or other biological material : 9. <input type="checkbox"/> sequence listings in computer readable form (indicate type and number of carriers) (i) <input type="checkbox"/> copy submitted for the purposes of international search under Rule 13ter only (and not as part of the international application) : (ii) <input type="checkbox"/> (only where check-box (b)(i) or (c)(i) is marked in left column) additional copies including, where applicable, the copy for the purposes of international search under Rule 13ter : (iii) <input type="checkbox"/> together with relevant statement as to the identity of the copy or copies with the sequence listings mentioned in left column : 10. <input type="checkbox"/> tables in computer readable form related to sequence listings (indicate type and number of carriers) (i) <input type="checkbox"/> copy submitted for the purposes of international search under Section 802(b-quater) only (and not as part of the international application) : (ii) <input type="checkbox"/> (only where check-box (b)(ii) or (c)(ii) is marked in left column) additional copies including, where applicable, the copy for the purposes of international search under Section 802(b-quater) : (iii) <input type="checkbox"/> together with relevant statement as to the identity of the copy or copies with the tables mentioned in left column : 11. <input checked="" type="checkbox"/> other (specify): LETTER :	
<b>(b) <input type="checkbox"/> only in computer readable form (Section 801(a)(i))</b> (i) <input type="checkbox"/> sequence listings (ii) <input type="checkbox"/> tables related thereto <b>(c) <input type="checkbox"/> also in computer readable form (Section 801(a)(ii))</b> (i) <input type="checkbox"/> sequence listings (ii) <input type="checkbox"/> tables related thereto <b>Type and number of carriers (diskette, CD-ROM, CD-R or other) on which are contained the</b> <input type="checkbox"/> sequence listings: ..... <input type="checkbox"/> tables related thereto: ..... <i>(additional copies to be indicated under items 9(ii) and/or 10(ii), in right column)</i>	<b>Figure of the drawings which should accompany the abstract:</b> 1	
<b>Language of filing of the international application:</b> ITALIAN		

**Box No. X SIGNATURE OF APPLICANT, AGENT OR COMMON REPRESENTATIVE**  
*Next to each signature, indicate the name of the person signing and the capacity in which the person signs (if such capacity is not obvious from reading the request).*

DE GREGORI Antonella



For receiving Office use only	
1. Date of actual receipt of the purported international application:	2. Drawings:
3. Corrected date of actual receipt due to later but timely received papers or drawings completing the purported international application:	<input type="checkbox"/> received:
4. Date of timely receipt of the required corrections under PCT Article 11(2):	<input type="checkbox"/> not received:
5. International Searching Authority (if two or more are competent): ISA /	6. <input type="checkbox"/> Transmittal of search copy delayed until search fee is paid

For International Bureau use only
Date of receipt of the record copy by the International Bureau:

# PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

# PCT

## NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL SEARCH REPORT OR THE DECLARATION

(PCT Rule 44.1)

To:

ING. BARZANO' & ZANARDO  
MILANO S.P.A.  
Attn. De Gregori, Antonella  
Via Borgonuovo, 10  
I-20121 Milan  
ITALY

Date of mailing  
(day/month/year)

08/04/2004

Applicant's or agent's file reference

Cal 87075

**FOR FURTHER ACTION**

See paragraphs 1 and 4 below

International application No.

PCT/IT 03/00738

International filing date

(day/month/year)

14/11/2003

Applicant

BCS S.P.A.

1. ☒ The applicant is hereby notified that the International Search Report has been established and is transmitted herewith.

**Filing of amendments and statement under Article 19:**

The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

**When?** The time limit for filing such amendments is normally 2 months from the date of transmittal of the International Search Report; however, for more details, see the notes on the accompanying sheet.

**Where?** Directly to the International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland  
Facsimile No.: (41-22) 740.14.35

**For more detailed instructions, see the notes on the accompanying sheet.**

2. ☐ The applicant is hereby notified that no International Search Report will be established and that the declaration under Article 17(2)(a) to that effect is transmitted herewith.

3. ☐ **With regard to the protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.

☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Further action(s):** The applicant is reminded of the following:

— Shortly after 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

Within 19 months from the priority date, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later).

Within 20 months from the priority date, the applicant must perform the prescribed acts for entry into the national phase before all designated Offices which have not been elected in the demand or in a later election within 19 months from the priority date or could not be elected because they are not bound by Chapter II.

Name and mailing address of the International Searching Authority



European Patent Office, P.B. 5818 Patentlaan 2  
NL-2280 HV Rijswijk  
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,  
Fax: (+31-70) 340-3016

Authorized officer

Laure Acquaviva

## NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the PCT Applicant's Guide, a publication of WIPO.

In these Notes, "Article", "Rule", and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions respectively.

### INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only.

#### What parts of the international application may be amended?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

#### When?

Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

#### Where not to file the amendments?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/is filed, see below.

#### How?

Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet must be submitted for each sheet of the claims which, on account of an amendment or amendments, differs from the sheet originally filed.

All the claims appearing on a replacement sheet must be numbered in Arabic numerals. Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively (Administrative Instructions, Section 205(b)).

The amendments must be made in the language in which the international application is to be published.

#### What documents must/may accompany the amendments?

##### Letter (Section 205(b)):

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.

## NOTES TO FORM PCT/ISA/220 (continued)

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

- (i) the claim is unchanged;
- (ii) the claim is cancelled;
- (iii) the claim is new;
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed.

**The following examples illustrate the manner in which amendments must be explained in the accompanying letter:**

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:  
"Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."
2. [Where originally there were 15 claims and after amendment of all claims there are 11]:  
"Claims 1 to 15 replaced by amended claims 1 to 11."
3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:  
"Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or  
"Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
4. [Where various kinds of amendments are made]:  
"Claims 1-10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

### **"Statement under article 19(1)" (Rule 46.4)**

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

**It must be in the language in which the international application is to be published.**

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

### **Consequence if a demand for international preliminary examination has already been filed**

If, at the time of filing any amendments under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the same time of filing the amendments with the International Bureau, also file a copy of such amendments with the International Preliminary Examining Authority (see Rule 62.2(a), first sentence).

### **Consequence with regard to translation of the international application for entry into the national phase**

The applicant's attention is drawn to the fact that, where upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see Volume II of the PCT Applicant's Guide.

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference Cal 87075	<b>FOR FURTHER ACTION</b> see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/IT 03/00738	International filing date (day/month/year) 14/11/2003	(Earliest) Priority Date (day/month/year) 25/07/2003
Applicant  BCS S.P.A.		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 4 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

## 1. Basis of the report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☐ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (see Box II).

4. With regard to the **title**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No.

☐ as suggested by the applicant.

☐ because the applicant failed to suggest a figure.

☒ because this figure better characterizes the invention.

2

☐ None of the figures.



A. CLASSIFICATION OF SUBJECT MATTER  
IPC 7 A01D34/00 A01D34/535 A01D43/08

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)  
IPC 7 A01D

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EP0-Internal

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 3 899 866 A (KLIER WERNER ADOLPH) 19 August 1975 (1975-08-19) column 2, line 57 -column 3, line 3 column 5, line 38 - line 49; figures 1-4 ---	1-5, 9-12,14
X	US 5 070 683 A (EGGENMUELLER ALFRED) 10 December 1991 (1991-12-10)  column 6, line 30 - line 46 column 7, line 63 -column 8, line 52; figures 7,13,14 ---	1,2,4-6, 8-11,13, 14
X	GB 2 260 683 A (BRIGGS IRRIGATION ;BRIGGS (GB); SINGLEHURST MICHAEL ARTHUR (GB)) 28 April 1993 (1993-04-28) page 2, paragraph 6 -page 4, paragraph 2; figures --- -/--	1,4,5, 9-12,14

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

\* Special categories of cited documents :

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search

1 April 2004

Date of mailing of the international search report

08/04/2004

Name and mailing address of the ISA  
European Patent Office, P.B. 5818 Patentlaan 2  
NL - 2280 HV Rijswijk  
Tel (+31-70) 340-2040, Tx. 31 651 epo nl,  
Fax (+31-70) 340-3016

Authorized officer

Bunn, D

## C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	DE 23 20 126 A (NAT RES DEV) 31 October 1973 (1973-10-31) page 6, paragraph 6 -page 7, paragraph 3 page 14, paragraph 4; figures 1,8 -----	1,4,5, 9-12,14
X	FR 2 771 894 A (RECANATI MICHEL) 11 June 1999 (1999-06-11) page 5, line 1 -page 6, line 4; figure 2 -----	1
X	GB 1 014 197 A (ANTON BERTIL GROENBERG) 22 December 1965 (1965-12-22) page 1, line 84 -page 2, line 35; figure 1 -----	1

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
US 3899866	A	19-08-1975	NONE	
US 5070683	A	10-12-1991	DE 3933818 A1	18-04-1991
			DE 4000352 A1	11-07-1991
			DE 4026930 A1	27-02-1992
			CA 2026682 A1	11-04-1991
			EP 0422624 A1	17-04-1991
GB 2260683	A	28-04-1993	NONE	
DE 2320126	A	31-10-1973	DE 2320126 A1	31-10-1973
			FR 2182988 A1	14-12-1973
			US 3977165 A	31-08-1976
			US 4077192 A	07-03-1978
FR 2771894	A	11-06-1999	FR 2771894 A1	11-06-1999
GB 1014197	A	22-12-1965	NONE	